

Serial No. 09/933,119  
Docket No. KYO003-US  
LIN.001

## BEST AVAILABLE COPY

### REMARKS

Applicants submit a Petition and Fee for a Three-Month Extension of Time, along with a Request for Continued Examination.

Applicants also submit a Submission of Priority Document.

Claims 3, 5 and 7-8 are all the claims presently pending in the application. Claims 3, 5 and 7-8 have been amended to more particularly define the invention. Claims 1, 2, 4, 6 and 9-30 are canceled without prejudice or disclaimer.

It is noted that the claim amendments herein or later are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein or later should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-8 and 22-30 stand rejected under 35 U.S.C. §102(b) as being anticipated by Gardner, et al. (U.S. Patent No. 5,758,327) (hereinafter "Gardner"). This rejection is respectfully traversed in the following discussion.

### **I. THE CLAIMED INVENTION**

The claimed invention is directed to a system for ordering items, an application service provider (ASP) system for issuing and receiving orders, a computer program product for issuing and receiving orders, and a system for processing orders.

An exemplary aspect of the present invention, as recited in claim 3, provides a system for ordering items including a server for controlling data communication with a plurality of

Serial No. 09/933,119  
Docket No. KYO003-US  
LIN.001

terminals via a network, a database accessible by the server including a merchandise master which stores information on all items offered from a plurality of dealers to a plurality of customers according to item numbers unique to each item, and a merchandise assortment related master which stores a list of traded items and the item numbers among the items stored in the merchandise master agreed upon between the customer and the dealer as merchandise assortment related information according to each purchasing unit of the customer and each dealer who offers the item to the customer, and a terminal for submitting to the server an ordering request for ordering at least one item from a user who belongs to a purchasing unit. The server includes an item specific order controller for specifying, for each item in the ordering request, a dealer who offers the item, based on the merchandise assortment related information of the purchasing unit to which the user belongs. The merchandise assortment related master stores merchandise assortment related information groups for each of the dealers in a state in which item numbers of items purchased by the customer are not duplicated by a plurality of dealers. The item specific order controller includes a function for determining a purchasing unit of a user who accessed from the terminal and specifying the merchandise assortment related information group for the purchasing unit, based on the determined purchasing unit, a function for displaying an electronic catalog comprising a list of all items stored in the specified merchandise related information group on the terminal, a function for, upon the user selecting an item, specifying the unique merchandise related information of the selected item number, among the merchandise related information group, and a function for specifying a dealer of the item number based on the specified merchandise assortment related information.

Serial No. 09/933,119  
Docket No. KYO003-US  
LIN.001

Independent claims 7 and 8 contain similar language and are directed to an application service provider (ASP) system and a computer program product having a record medium for issuing and receiving orders by using a server of an ordering system, respectively.

Conventional techniques for ordering items via the Internet involve a purchaser searching the Internet for web sites constructed by providers and consummating a desired transaction for a good or service through the web site of the provider. Business to business platforms have also been realized that support transactions based on pricing conditions previously agreed upon between the purchaser and provider. (See Application at page 1, lines 31-32 and page 2, lines 1-22)

The claimed invention, on the other hand, provides a system including, amongst other features, a database containing merchandise assortment related information associating a purchasing unit with at least one dealer for at least one of a plurality of items contained in a merchandise master and a controller for specifying a dealer for each item in an ordering request based on merchandise assortment related information retrieved from the database corresponding to the purchasing unit of the user. These features, amongst others, allow the claimed invention to efficiently (e.g. automatically) specify a dealer for each item ordered by a user of a purchasing unit of a customer based on predetermined merchandise assortment related information for the purchasing unit.

In this manner, a user belonging to a purchasing unit of a customer may order various items based on previously determined purchase standards by merely specifying the desired items to the system and without the need for the user to possess specific knowledge of the

Serial No. 09/933,119  
Docket No. KYO003-US  
LIN.001

dealers or pricing agreements. (See Application at page 5, lines 20-24)

## II. THE GARDNER REFERENCE

The Examiner alleges that the claims 1-8 and 22-30 are anticipated by the Gardner reference. However, Applicants respectfully submit that the reference does not teach or suggest each and every element of the claimed invention.

Gardner discloses a method of electronic requisition processing including storing company-specific requisition rules and an electronic catalog on a central computer system located at a first site. (See Gardner at Abstract)

However, Gardner does not teach or suggest that *"the merchandise assortment related master stores merchandise assortment related information groups for each of the dealers in a state in which item numbers of items purchased by the customer are not duplicated by a plurality of dealers,"* as recited in independent claim 3. Independent claims 7 and 8 contain similar language. (Emphasis added)

Nor is there any teaching or suggestion of *"a function for determining a purchasing unit of a user who accessed from the terminal and specifying the merchandise assortment related information group for the purchasing unit, based on the determined purchasing unit; a function for displaying an electronic catalog comprising a list of all items stored in the specified merchandise related information group on the terminal, a function for ,upon the user selecting an item, specifying the unique merchandise related information of the selected item number, among the merchandise related information group, and a function for specifying a dealer of the item number based on the specified merchandise assortment related*

Serial No. 09/933,119  
Docket No. KYO003-US  
LIN.001

information," as recited in claim 3. (Emphasis added) Independent claims 7 and 8 contain similar language.

In this exemplary manner, the present invention includes a merchandise master and a merchandise assortment related information master. The merchandise assortment related information master stores merchandise assortment related information groups for each of the dealers in a state in which item numbers of items purchased by the customer are not duplicated by a plurality of dealers. The merchandise assortment related information also associates a purchasing unit with at least one dealer for each of the items. Thus, upon determination of purchasing unit of the user accessing the system, the appropriate merchandise assortment related information group for the purchasing unit of the user can be specified and an electronic catalog displayed to the user including a list of items stored in the specified merchandise assortment related information groups. In this manner, it is possible to present the user with an electronic catalog including merchandise assortment related information from a plurality of dealers.

Additionally, upon selection of an item by the user, unique merchandise related information for the selected item can be specified and a dealer can be specified based on the specified unique merchandise related information for the selected item. Since the item numbers are not duplicated within the merchandise related information group, the user using the displayed electronic catalog need not be aware of any negotiated prices an individual dealers since the system automatically specifies the dealer for the purchasing unit for each item selected by the user from the catalog.

Serial No. 09/933,119  
Docket No. KYO003-US  
LIN.001

In essence, the merchandise assortment related information group is an electronic catalog for a specified customer, in the claimed invention. The system uses the electronic catalog including the price negotiated with each of a plurality of dealers to facilitate specification of a particular dealer associated with the purchasing unit for an item selected from the electronic catalog.

Therefore, "unlike commercial platforms or general web sites, the present embodiment is characteristic in that no selection of a dealer is made by price comparison or condition comparison, and a dealer is specified automatically and forcibly at the time of issuing an order following predetermined rules." (See Application at page 18, line 29-32 and page 19, line 1) (Emphasis added) As noted above, these features permit a user belonging to a purchasing unit of a customer to order a variety of items based on previously determined purchase standards by merely specifying the desired items to the system and without the need for the user to possess specific knowledge of the dealers.

Gardner, on the other hand, makes no reference or suggestion to such features. Instead, Gardner discloses a system that merely provides a catalog peculiar to a customer. However, Gardner does not teach or suggest that multiple catalogs are effective for a single user or that the catalog peculiar to the user is made in the state in which item numbers of items offered therein are not duplicated by multiple dealers. As such, the catalog for a single customer would not include an item offered by several dealers.

Clearly, Gardner does not teach or suggest that "the merchandise assortment related master stores merchandise assortment related information groups for each of the dealers in a state in which item numbers of items purchased by the customer are not duplicated by a

Serial No. 09/933,119  
Docket No. KYO003-US  
LIN.001

plurality of dealers,” as recited in independent claim 3. Independent claims 7 and 8 contain similar language. (Emphasis added)

Nor is there any teaching or suggestion of “a function for determining a purchasing unit of a user who accessed from the terminal and specifying the merchandise assortment related information group for the purchasing unit, based on the determined purchasing unit; a function for displaying an electronic catalog comprising a list of all items stored in the specified merchandise related information group on the terminal, a function for ,upon the user selecting an item, specifying the unique merchandise related information of the selected item number, among the merchandise related information group, and a function for specifying a dealer of the item number based on the specified merchandise assortment related information,” as recited in claim 3. (Emphasis added) Independent claims 7 and 8 contain similar language.

Therefore, Applicants submit that there are elements of the claimed invention that are not taught or suggested by Gardner. Therefore, the Examiner is respectfully requested to withdraw this rejection.

### III. CONCLUSION

In view of the foregoing, Applicants submit that claims 3, 5 and 7-8, all the claims presently being examined in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance,

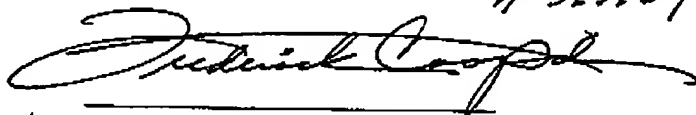
Serial No. 09/933,119  
Docket No. KYO003-US  
LIN.001

the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

To the extent necessary, Applicants petition for an extension of time under 37 CFR §1.136. The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 4/19/06

  
J. Bradley Wright, Esq.  
Registration No. 47,188

Sean M. McGinn, Esq.  
Registration No. 34,386

**McGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
Customer No. 21254



**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**